

Application No. 10/549,429
Filed: September 15, 2005
TC Art Unit: 1725
Confirmation No.: 9502

REMARKS

The Applicants wish to thank the Examiner for finding claims 2, 4-6, and 10-12 as having allowable subject matter. However, the Examiner is respectfully requested to consider the common ownership of the present application and the applied reference, as described below, and allow all of the claims.

I. Priority:

The Applicants respectfully request the Examiner to recall a telephone call to our office on March 6, 2007, wherein he mentioned that the present application was a § 371 national phase filing and the priority document was submitted by the International Bureau.

II. Specification:

The Examiner's attention is respectfully drawn to the example beginning on line 21 of page 14 of the specification. On line 22, "dimensions in mm" is specified. Please consider mm (millimeters) to be the unit for all lengths, widths, diameters, clearances, etc., appearing in the specification.

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The specification has been amended to address the objections.
No new matter has been added.

III. Claim Objections:

The Examiner's objections have been addressed in amendments in the current listing of claims.

IV. Claim Rejections Under 35 U.S.C. § 112:

The Applicants have noted the Examiner's rejections of claims 1-13. In view of the amended claims 1, 2, 5, and 7, the Applicants request that all of the claims be reconsidered and the rejections withdrawn.

V. Claim Rejections Under 35 U.S.C. § 102/103:

The Examiner has rejected claims 1, 3, 7-9, and 13 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over US Patent Number 7,165,599 (hereinafter, Takizawa). The Applicants respectfully traverse the rejection.

Nissei Plastic Industrial Co., Ltd., Nagano-ken, Japan, (hereinafter, Company) is the assignee/owner of both the present application and Takizawa. The company has furnished a statement

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that the present application and Takizawa were commonly owned by the Company, or subject to an obligation of assignment to the Company, the inventors being Company's employees, at the time the invention of the present application was made. The Company has further stated that the Company owned 100 percent of the subject matter and 100 percent of the claimed invention of Takizawa and the present application. A statement to this effect is being completed by the Company and will be submitted subsequently.

Takizawa has been filed on January 30, 2004. Claims 1, 3, 7-9, and 13 pertain to the priority document JP 2004-049975, filed February 25, 2004. Claims 2 and 4-13 pertain to the priority document JP 2004-179697, filed June 17, 2004. Therefore, Takizawa was filed before either of the priority documents.

Both of the priority documents, as well as Takizawa, have the Company as a common owner/applicant. Therefore, Takizawa is a reference not by another with reference to § 102(e)(2). Accordingly, Takizawa does not qualify as a reference to reject the claims of the present invention under § 102(e), and the Examiner is respectfully requested to withdraw the rejection of claims 1, 3, 7-9, and 13.

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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